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## METHODS OF IDENTIFICATION

conviction, on finger-print evidence alone, of a thief in the assize court of Christiania on October 14, 1910. The only evidence against the accused was the testimony of the director of the identification bureau, Daae, as to the identity of the finger prints of the accused with finger prints discovered at the scene of the crime on a pane of glass and on a syrup bottle. The accused denied the commission of the offense, but the jury, after a half-hour's deliberation, returned a unanimous verdict of guilty. It is said this is the first conviction in Norway solely on finger-print evidence.

E. L.

**Identification Manual of the Madrid Police.**—In an article in the March and April numbers of the *Revue de Droit Penal et de Criminologie*, Prof. F. Oloriz Aguilera, of the Faculty of Medicine of Madrid, described a manual for the identification of the habitual criminals of Madrid, in use by the police of that city. The plan of the manual was devised by Prof. Aguilera and is based on the possibility of utilizing a direct examination of the lines and ridges of the fingers for purposes of identification without the necessity of taking finger prints. The idea of this direct examination having occurred to Prof. Aguilera, he chose a classification of finger patterns into four types coinciding with that of Vucetich and devised a formula to represent each type, and also sub-formulas for a more detailed classification, and for four years tested the possibility of applying these formulas for the identification of individuals by direct observation of the fingers. The test being satisfactory, he compiled the manual, which makes a volume of 188 pages of text and 29 pages of instruction. The manual contains the criminal records of 603 individuals habitually resident in Madrid. It is composed of three sections, which he terms the morphologic, the dactyloscopic and the alphabetic sections, respectively. Each of the 603 individuals figures in each of the sections under a distinct number. The morphologic section contains formulas representing an abbreviated form of the Bertillon system for classifying photographs, with cross-references under each number to the data for the same individual in the other sections. The dactyloscopic section contains the formulas representing the finger designs. These are written in the form of numerical fractions, the numerator being a figure representing one of the four main types designated as Adelto, Destrodelto, Sinistrodelto and Bidelto; and the denominator being a number corresponding to one of the sub-classe into which each type is divided. The alphabetic section contains the name, occupation, place of birth, parents' name, kind of crime attributed to the person and penal record for each of the individuals listed. Each section contains cross-references to the other two. The manual is intended mainly to solve two problems as to identity. First, in the presence of a person at liberty but suspected, to verify with sufficient certainty to justify his arrest that he is the person wanted. Second, to discover the name and record of persons arrested. In practice it has been found to correctly solve these questions, with much saving of time and labor, if the person in question is listed in the manual. In the first case it is not necessary to arrest the person to solve the question of identity. No prints being required, the fingers can be examined wherever the person is found. If he proves to be the person wanted, the identification is immediate, and if not, it is not necessary to take him into custody at all. E. L.

**Is Law and Morality Instinctive?**—In an article in the *American Anthropologist*, for July-September, 1910, entitled, "The Morals of Uncivilized People,"

## IS LAW AND MORALITY INSTINCTIVE?

Dr. A. L. Kroeber maintains that there has not been an evolution or development of morality in the progress from savagery to civilization, but that, on the contrary, there is no difference between the morality of savages and ourselves, and that the moral element in humanity is basically instinctive. He says: "That any people, or any person even, has ever really regulated conduct by ideas or reason, is a delusion. The delusion is a common one, because it is pleasing to flatter ourselves that our acts spring from purely rational motives. In fact, and of course, all real action precedes and determines intellectual reasoning, which, being analytical, cannot but be *ex post facto* and secondary. It is possible that there may exist beings whose reason is action, not its product; but if so, they will no longer be men. There can be no doubt that the essential moral ideas of man spring from instinct. The repugnance toward murder, appropriation of the possessions of others, treachery and want of hospitality is based as little on considerations of social advantage or logical deductions as the sentiments are common to all races and times. The actions that are naturally the most abhorrent to everyone, such as cannibalism, incest and lack of parental or filial devotion, are so thoroughly instinctive that these crimes have hardly to be dealt with by most people. In the matter of incest, it is well known that the common explanation of its enormity, as consisting in its inevitable consequence of deterioration of race, is entirely fallacious. We know from countless generations of domestic animals that it is only an extreme of close breeding that produces loss of racial fertility and individual vigor. Yet the crudest savages and the most refined philosophers abhor it equally."

Prof. Kroeber's conclusions are interesting and suggestive from the standpoint of the theory of the "natural offense" as formulated by Garofalo. If they are entirely correct, the attempt to prescribe rules of conduct by legislation is wholly without justification. It is interesting to note that Garofalo regards the natural offense as a violation of the emotional feelings.

While Prof. Kroeber's statement is extreme, and we can hardly assent to the proposition that conduct is in no degree regulated by reason, it brings out in a picturesque way the undoubted truth that the causes which regulate human conduct to a very large degree do not depend on conscious reasoning. E. L.

**The Psychological Action of Punishments.**—An interesting article on the above subject is published in the *Archives d'Anthropologie Criminelle*, for January, by Dr. Maxwell. He says that punishment originally was simply compensation. It depended on the will of the victim of the crime, was regulated by private vengeance; the personality or intention of the delinquent being of no importance, the main idea is to render evil for evil. All the members of the clan were responsible for the damage, whether wilful or not. The first progressive step was to individualize responsibility, the clan being discharged of responsibility if it surrendered up the criminal. This is the germ of individual responsibility. In connection with the idea of compensation it formed the *lex talionis*. The next step was to separate voluntary and involuntary acts and to analyze the intention. This was principally the work of religion, which combined moral notions and transformed the idea of compensation into that of expiation. Finally, however, punishment came to be conceived of as example. In modern psychological language it plays the inhibitive role. But under what conditions will it be truly inhibitive? Evidently when the idea of the act is associated with disagreeable or painful feelings. Dr. Maxwell thinks